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Jacksonville Turns the Corner

By Andy Bruck, Jacksonville Symphony ICSOM Delegate

The Jacksonville Symphony musicians ratified a new five-year contract on January 25, 2017, eight months in advance of the expiration of the current CBA. This contract marks an extraordinary new direction for the Jacksonville Symphony, all the more so in light of our negotiating history of the last 14 years. It therefore seems fitting to give a brief history of this volatile period to place the current outcome in context.

The 2002-2003 season was the first year of a five-year contract, in which the season had been reduced by one week compared to the previous contract, down to 37 weeks. The orchestra was looking forward to the following season, in which we were to have surpassed the salary of the ending year of the previous contract. However, the Jacksonville Symphony Association (JSA) sought to reopen the contract. Even though our own independent financial analysis did not corroborate their expressed concerns, we reluctantly agreed to \$200,000 in concessions. But at the Board's 2003 end-of-season Annual Meeting, they blindsided the musicians in announcing that the two parties had not reached agreement on concessions. While the Board honored the terms of the contract through its expiration, there was obvious concern over how we would fare in the next contract; after the Board President approached the musicians in May, 2006, to

To propose an early, amicable settlement, we secured the services of attorney Lenny Leibowitz, former ICSOM Counsel. Rather than proceeding smoothly, however, the process quickly got bogged down.

After the 2007-2008 season began with a play-and-talk, the JSA ultimately locked us out for nine weeks. Our musicians remain grateful that during this unprecedented labor dispute, we received payments from the AFM Symphony-Opera Strike Fund, and also were the first beneficiaries of an ICSOM Call to Action. At the time, the JSA seemed absolutely closed to the idea of increasing its fundraising. By the time of the lock-out, we had learned that in the same month that the President had reached out for an early settlement, the JSA had received a seed grant for an endowment drive. Then things went horribly awry. The JSA decided to return the seed grant; became fixated on what it called an accumulated deficit, which our financial consultant, Ron Bauer (now deceased), deemed nonexistent; and in October, 2006, commissioned a business plan from Dr. Thomas Wolf and Gideon Toeplitz that they presented in March 2007, recommending three versions of reduction in services—from significant to drastic.



Photo credit: Peggy Toussant

From the musicians' standpoint, a key factor leading to settlement was the emergence of a community-based organization, called Friends of the Jacksonville Symphony (FOJS), that committed to raising funds, applying for grants and sponsoring concerts. Unfortunately, our staff at that time did not cooperate with FOJS, so it had limited success.

We engaged attorney Liza Hirsch Medina in 2012 for what turned out to be our most grueling experience yet. The JSA, after very little bargaining, imposed its last offer on the musicians. After posting an update about our situation on Orchestra-L, Local 802 counsel Harvey Mars responded that it reminded him of **Boulwarism**, which he described as "the phenomenon where management has only one proposal that it essentially refuses to vary from. If this is truly the case," he continued, "then this employer has illegally declared impasse . . . However, there is an exception to this rule where a true economic exigency exists, such as when the only other alternative is to cease operations. This is an exceptional circumstance that the employer bears the burden of proof on." When we reached out to Harvey for additional perspective, and after learning that he had actually prosecuted a case along these lines, he ended up working together with Liza to file an Unfair Labor Practice charge of bad-faith bargaining with the National Labor Relations Board; the NLRB concurred and issued a complaint against our employer. This provided us much-needed negotiating leverage. Significantly, Martin Connor, the Board President-elect who attended our negotiations, had a change of heart. Whereas previously he had identified the issue as being "an expense problem" that required breathing room, he warmed to the idea of bringing in an independent consultant. In the end, we accepted concessions, including a reduction to a 35-week season, but they were significantly less harsh than the terms management originally imposed. We were also able to engage Henry Fogel as consultant for a substantial period of time. This helped the organization become much stronger as a whole in terms of morale and organizational structure.

The follow-up contract, also done with Liza's support but this time without attorneys at the table, partially restored previous cuts. It provided time needed by our new Music Director Courtney Lewis, our incoming Chief Executive Officer Robert Massey, and our revamped Board to make improvements in marketing, fundraising, and programming efforts.

The most recent negotiations built on the steady improvements of the previous two negotiations and the greatly improved relationships among the parties. Once again, attorneys were not present at the table (this time we were guided by former ICSOM Counsel Susan Martin); the tenor of the negotiating process was friendly and collegial overall. The long-term agreement that resulted—months early—represents a great leap forward for the orchestra. Our Board has boldly pledged to enable the Jacksonville Symphony to retain and attract talented musicians and staff. The season expands from 35 up to 38 weeks in the first year, rising further to 40 weeks in the last two seasons. The base annual salary jumps almost 12% in Year 1—from the current \$38,058 to \$42,518—and reaches \$52,026.40 in the final year, a cumulative increase of more than 36% from the current scale. The orchestra also becomes a single-tiered, full-time orchestra.

With this outcome, musicians will not have as much urgency to earn outside income, and we will be able to better focus our energy and time on artistic excellence in the workplace. The Board will work to achieve the vision of its Strategic Plan and the success of its long-awaited \$50 million endowment/capital campaign, the public phase of which was announced on February 17 during our Gala concert dinner. The JSA announced that it has already raised half of that amount.

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